

158.838 Emergency administration of diabetes and seizure disorder medications -- Required written statements -- Limitation on liability --- Renewal of permission -- Expiration dates of medication.

- (1) The board of each local public school district and the governing body of each private and parochial school or school district shall have at least one (1) school employee at each school who has met the requirements of KRS 156.502 on duty during the entire school day to administer the following medication in an emergency:
 - (a) Glucagon subcutaneously, using a glucagon emergency kit, to students with diabetes who are experiencing hypoglycemia or other conditions noted in the health care practitioner's written statement under subsection (2)(b) of this section; and
 - (b) Diazepam rectal gel in a prefilled unit-dose delivery system.
- (2) Prior to administering glucagon or diazepam rectal gel to a student, the student's parent or guardian shall:
 - (a) Provide the school with a written authorization to administer the medication at school;
 - (b) Provide a written statement from the student's health care practitioner, which shall contain the following information:
 1. Student's name;
 2. The name and purpose of the medication;
 3. The prescribed dosage;
 4. The route of administration;
 5. The frequency that the medication may be administered; and
 6. The circumstances under which the medication may be administered; and
 - (c) Provide the prescribed medication to the school in its unopened, sealed package with the label affixed by the dispensing pharmacy intact.
- (3) The statements required in subsection (2) of this section shall be kept on file in the office of the school nurse or school administrator.
- (4) The school district or the governing body of each private and parochial school or school district shall inform the parent or guardian of the student that the school and its employees and agents shall not incur any liability as a result of any injury sustained by the student from any reaction to any medication to treat a hypoglycemic episode or a seizure or its administration, unless the injury is the result of negligence or misconduct on behalf of the school or its employees. The parent or guardian of the student shall sign a written statement acknowledging that the school shall incur no liability except as provided in this subsection, and the parent or guardian shall hold harmless the school and its employees against any claims made for any reaction to any medication to treat a hypoglycemic episode or a seizure or its administration if the reaction is not due to negligence or misconduct on behalf of the school or its employees.

- (5) The permission for the administration of either glucagon or diazepam rectal gel shall be effective for the school year in which it is granted and shall be renewed each following school year upon fulfilling the requirements of subsections (2) to (4) of this section.
- (6) The school nurse or school administrator shall check the expiration date monthly for each emergency glucagon kit or diazepam rectal gel prefilled unit-dose delivery system in the possession of the school. At least one (1) month prior to the expiration date of each medication, the school nurse or school administrator shall inform the parent or guardian of the expiration date.
- (7) The requirements of subsections (1) to (6) of this section shall apply only to schools that have a student enrolled who:
 - (a) Has a seizure disorder and has diazepam rectal gel in a prefilled unit-dose delivery system prescribed by the student's health care provider; or
 - (b) Has diabetes mellitus and has a glucagon emergency kit prescribed by the student's health care provider.
- (8) Nothing in this section shall be construed to require a school employee to consent to administer glucagon or diazepam rectal gel to a student if the employee does not otherwise consent to provide the health service under KRS 156.502.

Effective: June 20, 2005

History: Created 2005 Ky. Acts ch. 177, sec. 2, effective June 20, 2005.